

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WESTERN NEW YORK PUBLIC
BROADCASTING ASSOCIATION,
a New York corporation,
Plaintiff,

v.

RRKIDZ, INC., d/b/a LEVAR BURTON KIDS,
a Delaware corporation, LEVARDIS ROBERT
MARTYN BURTON, JR., *an individual,*
Defendant,

and

RAYMONDS CAPITAL, LLC, *a Delaware
limited liability company,*
Nominal Defendant.

Case No. 17-cv-5914

ORDER TO SHOW CAUSE

UPON the accompanying Declaration of Michael B. Smith, dated August 7, 2017, and the exhibits annexed thereto, the Declaration of Nancy Hammond, dated August 7, 2017, and the exhibits thereto, the Affidavit of Erin DaCosta, sworn to August 7, 2017, and the exhibits thereto, the Affidavit of Isabelle George Rosett, sworn to August 4, 2017, and the exhibits annexed thereto, the Memorandum of Law, dated August 7, 2017, the Summons, dated August 7, 2017, the Complaint, dated August 4, 2017, and all prior pleadings and proceedings had herein, it is hereby:

ORDERED, that defendants RRRKidz, Inc., d/b/a Levar Burton Kids (“RRKidz”) and Levardis Robert Martyn Burton, Jr. (“LeVar Burton”) and nominal defendant Raymonds Capital LLC (“Raymond Capital”) (collectively “Defendants”) show cause before this Court, Courtroom 518, located at 500 Pearl Street, New York 10007 on September 1, 2017 at 2:00 p.m., or as soon thereafter as counsel can be heard, why an order should not be entered as follows:

- a. pursuant to Fed. R. Civ. P. 65 and 15 U.S.C. § 1116(a), preliminarily enjoining and restraining LeVar Burton from using the phrases “Reading Rainbow for adults” (the

“Protected Phrase”) and “but you don’t have to take my word for it” in connection with the “LeVar Burton Reads” podcast and, to the extent any extant podcasts using the Protected Phrases are currently available to the public for sale or otherwise, such podcasts should be withdrawn from public availability until the Protected Phrases are removed and;

- b. pursuant to Fed. R. Civ. P. 65 and 15 U.S.C. § 1116(a), preliminarily enjoining RRRKidz to immediately turn over to WNED (and thereafter destroy any copies that remain in RRRKidz’s possession, custody, or control) all access and administrative rights in (and any and all files, credentials, services, software, or other assets or information on, or necessary to the operation or maintenance of) every website, webpage, and social media account associated with Reading Rainbow—including, without limitation, the Reading Rainbow Facebook, Twitter, Instagram, Pinterest, Google+, and YouTube pages, and the following domains, including all subdirectories and subdomains thereof (e.g., reader.readingrainbow.com, assets.readingrainbow.com, cdn.readingrainbow.com, cdn1.readingrainbow.com, cdn2.readingrainbow.com, content.readingrainbow.com, readingrainbow.com/skybrary-family, readingrainbow.com/school, etc.):

- readingrainbow.com
- readingrainbow.net
- readingrainbow.org
- reading-rainbow.com
- reading-rainbow.net
- reading-rainbow.org
- readingrainbowdvd.com

- rrickstarter.com
- supportreadingrainbow.com
- helpreading-rainbow.com
- savereadingrainbow.com; and

c. granting such other, further and different relief as the Court deems just and proper; and it is further

ORDERED that good cause having been alleged, pending hearing and determination of this motion, LeVar Burton is enjoined and restrained from using the Protected Phrase in connection with any future or unreleased episodes of the “LeVar Burton Reads” podcast; and it is further

ORDERED that good cause having been alleged, pending hearing and determination of this motion, by August 9, 2017 at 5:00 p.m., RRRKidz is to turn over to WNED (and thereafter destroy any copies that remain in RRRKidz’s possession, custody, or control) all access and administrative rights in (and any and all files, credentials, services, software, or other assets or information necessary to the operation or maintenance of) every website, webpage, and social media account associated with Reading Rainbow—including, without limitation, the Reading Rainbow Facebook, Twitter, Instagram, Pinterest, Google+, and YouTube pages, and the following domains, including all subdirectories and subdomains thereof (e.g., reader.readingrainbow.com, assets.readingrainbow.com, cdn.readingrainbow.com, cdn1.readingrainbow.com, cdn2.readingrainbow.com, content.readingrainbow.com, readingrainbow.com/skybrary-family, readingrainbow.com/school, etc.):

- readingrainbow.com
- readingrainbow.net

- readingrainbow.org
- reading-rainbow.com
- reading-rainbow.net
- reading-rainbow.org
- readingrainbowdvd.com
- rrkickstarter.com
- supportreadingrainbow.com
- helpreading-rainbow.com
- savereadingrainbow.com;

and it is further


ORDERED that answering papers, if any, shall be served by upon Plaintiff's counsel, Lupkin & Associates PLLC, 26 Broadway, 19th Floor, New York, NY 10004 so as to be received on or before August 21, 2017; and it is further

ORDERED that reply papers, if any, shall be served upon Defendants' counsel, Liner LLP, 1100 Glendon Avenue, 14th Floor, Los Angeles, CA 90024-3518, Allegaert Berger & Vogel LLP, 111 Broadway, 20th Floor, New York, NY 10006 and Grahm Curtin, A Professional Association, 4 Headquarters Plaza, P.O. Box 1991, Morristown, NJ 07962-1991, so as to be received on or before August 28, 2017; and it is further

ORDERED that service of a copy of this Order to Show Cause, together with the papers upon which it is based, including the Summons and Complaint, upon Defendants, on or before the 8th day of August, 2017, shall be deemed good and sufficient.

SO ORDERED.

Dated: August 8, 2017
New York, New York



Vernon S. Broderick
United States District Judge